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## NOTICE OF ALLOWANCE AND FEE(S) DUE

22850

7590

04/17/2009

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER

BUITCHER, BRIAN M

ART UNIT

PAPER NUMBER

2627

DATE MAILED: 04/17/2009

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/584,772      | 06/28/2006  | Yoshio Fukutomi      | 292227US&PCT        | 3863             |

TITLE OF INVENTION: OPTICAL DISK UNIT

| APPLN. TYPE    | SMALL ENTITY | ISSUE FEE DUE | PUBLICATION FEE DUE | PREV. PAID ISSUE FEE | TOTAL FEE(S) DUE | DATE DUE   |
|----------------|--------------|---------------|---------------------|----------------------|------------------|------------|
| nonprovisional | NO           | \$1510        | \$300               | \$0                  | \$1810           | 07/17/2009 |

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

### HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to:** Mail **Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
**or Fax** **(571)-273-2885**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

22850 7590 04/17/2009

**OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.**  
**1940 DUKE STREET**  
**ALEXANDRIA, VA 22314**

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

|                    |
|--------------------|
| (Depositor's name) |
| (Signature)        |
| (Date)             |

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/584,772 06/28/2006

Yoshio Fukutomi

292227US8PCT

3863

TITLE OF INVENTION: OPTICAL DISK UNIT

| APPLN. TYPE    | SMALL ENTITY | ISSUE FEE DUE | PUBLICATION FEE DUE | PREV. PAID ISSUE FEE | TOTAL FEE(S) DUE | DATE DUE   |
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| nonprovisional | NO           | \$1510        | \$300               | \$0                  | \$1810           | 07/17/2009 |

| EXAMINER         | ART UNIT | CLASS-SUBCLASS |
|------------------|----------|----------------|
| BUTCHER, BRIAN M | 2627     | 369-013300     |

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_  
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_  
3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee  
☐ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_ Date \_\_\_\_\_  
Typed or printed name \_\_\_\_\_ Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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| 10/584,772                                                                                   | 06/28/2006  | Yoshio Fukutomi      | 292227US8PCT        | 3863             |
| 22850                                                                                        | 7590        | 04/17/2009           | EXAMINER            |                  |
| OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.<br>1940 DUKE STREET<br>ALEXANDRIA, VA 22314 |             |                      | BUTCHER, BRIAN M    |                  |
|                                                                                              |             |                      | ART UNIT            | PAPER NUMBER     |

2627  
DATE MAILED: 04/17/2009

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 481 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 481 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

**Notice of Allowability****Application No.**

10/584,772

**Applicant(s)**

FUKUTOMI ET AL.

**Examiner**

BRIAN BUTCHER

**Art Unit**

2627

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment received on the 23<sup>rd</sup> of March 2009.
2. ☒ The allowed claim(s) is/are 1 and 3 - 6.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some\* c) ☐ None of the:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.  
**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

/Wayne Young/  
Supervisory Patent Examiner, Art Unit 2627

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment to correct informalities in the claims was given in a telephone interview with **Mr. Bradley D. Lytle** on **April 10, 2009**.

#### **In the Claims:**

In claim 11, lines 9 – 19, change:

" transmittance and reflectance to the S polarization and the P polarization of said light separator are adjusted so that a first polarization component level ratio being the ratio of the level of a component corresponding to the TE component to the level of a component corresponding to the TM component of said laser beam by that said reflective light from said optical disk was received by said light receiver for reproducing signal from said laser light source via said light separator, and a second polarization component level ratio being the ratio of the level of a component corresponding to the TE component to the level of a component corresponding to the TM component of said laser beam by that said laser beam from said laser light source was received by said light receiver for

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monitoring light source via said light separator become equal or the difference between the first and the second polarization component level ratios becomes within a predetermined permissible range; and ”

To:

-- transmittance and reflectance to an S polarization and a P polarization of said light separator are adjusted so that a first polarization component level ratio being a ratio of a level of a component corresponding to a TE component to a level of a component corresponding to a TM component of said laser beam by that said reflective light from said optical disk was received by said light receiver for reproducing signal from said laser light source via said light separator, and a second polarization component level ratio being a ratio of a level of a component corresponding to the TE component to the level of a component corresponding to the TM component of said laser beam by that said laser beam from said laser light source was received by said light receiver for monitoring light source via said light separator become equal or a difference between the first and the second polarization component level ratios becomes within a predetermined permissible range; and --.

Also, in claim 11, lines 24 – 26, change:

“ the necessary value of a laser noise canceled amount  $N_a$  is represented so that said difference between the first and the second polarization component

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level ratios becomes within said permissible range, by the following expression of relation: ”

To:

-- a necessary value of a laser noise canceled amount  $N_a$  is represented so that said difference between the first and the second polarization component level ratios becomes within said permissible range, by the following expression of relation: --.

Furthermore, in claim 11, lines 30 – 43, change:

“  $N_a$ : the noise level after laser noise cancel/the noise level before the laser noise cancel  $LD_p$ : the ratio of the level of TE component to the level of the TM component of the laser beam emitted from said laser light source,  $RF_p$ : the ratio of the transmittance of a component corresponding to said TE component to the transmittance of a component corresponding to said TM component of said laser beam from said laser light source to said light receiver for reproducing signal, that is determined by said light separator existing on the optical path between said laser light source and said light receiver for reproducing signal,  $FPD_p$ : the ratio of the transmittance of a component corresponding to said TE component to the transmittance of a component corresponding to said TM component of said laser beam from said laser light source to said light receiver for monitoring light source, that is determined by said light separator existing on

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the optical path between said laser light source and said light receiver for monitoring light source.”

To:

-- Na: a noise level after laser noise cancel/a noise level before laser noise cancel, LDp: a ratio of a level of the TE component to a level of the TM component of the laser beam emitted from said laser light source, RFpo: a ratio of a transmittance of a component corresponding to said TE component to a transmittance of a component corresponding to said TM component of said laser beam from said laser light source to said light receiver for reproducing signal, that is determined by said light separator existing on an optical path between said laser light source and said light receiver for reproducing signal, FPDpo: a ratio of a transmittance of a component corresponding to said TE component to a transmittance of a component corresponding to said TM component of said laser beam from said laser light source to said light receiver for monitoring light source, that is determined by said light separator existing on an optical path between said laser light source and said light receiver for monitoring light source. --.

In claim 5, lines 12 – 29, change:

“ by said polarizer, transmittance and reflectance to the S polarization and the P polarization of said light separator are adjusted so that a first polarization component level ratio being the ratio of the level of a component corresponding to the TE component to the level of a component corresponding to the TM



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component of said laser beam by that said reflective light from said optical disk was received by said light receiver for reproducing signal from said laser light source via said light separator, and a second polarization component level ratio being the ratio of the level of a component corresponding to the TE component to the level of a component corresponding to the TM component of said laser beam by that said laser beam from said laser light source was received by said light receiver for monitoring light source via said light separator become equal or the difference between the first and the second polarization component level ratios becomes within a predetermined permissible range; and the difference between a laser noise component received by said light receiver for reproducing signal and a laser noise component received by said light receiver for monitoring light source after said adjustment is obtained, in order to obtain a reproducing signal in that laser noises were canceled out, wherein the necessary value of a laser noise canceled amount  $N_a$  is represented so that said "

To:

-- by said polarizer, transmittance and reflectance to an S polarization and a P polarization of said light separator are adjusted so that a first polarization component level ratio being a ratio of a level of a component corresponding to the TE component to a level of a component corresponding to the TM component of said laser beam by that said reflective light from said optical disk was received by said light receiver for reproducing signal from said laser light source via said light separator, and a second polarization component level ratio being a ratio of a

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level of a component corresponding to the TE component to a level of a component corresponding to the TM component of said laser beam by that said laser beam from said laser light source was received by said light receiver for monitoring light source via said light separator become equal or a difference between the first and the second polarization component level ratios becomes within a predetermined permissible range; and the difference between a laser noise component received by said light receiver for reproducing signal and a laser noise component received by said light receiver for monitoring light source after said adjustment is obtained, in order to obtain a reproducing signal in that laser noises were canceled out, wherein a necessary value of a laser noise canceled amount  $N_a$  is represented so that said --.

Also, in claim 5, lines 35 – 48, change:

"  $N_a$ : the noise level after laser noise cancel/the noise level before the laser noise cancel  $LD_p$ : the ratio of the level of TE component to the level of the TM component of the laser beam emitted from said laser light source,  $RF_{p0}$ : the ratio of the transmittance of a component corresponding to said TE component to the transmittance of a component corresponding to said TM component of said laser beam from said laser light source to said light receiver for reproducing signal, that is determined by said light separator existing on the optical path between said laser light source and said light receiver for reproducing signal,  $FPD_p$ : the ratio of the transmittance of a component corresponding to said TE

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component to the transmittance of a component corresponding to said TM component of said laser beam from said laser light source to said light receiver for monitoring light source, that is determined by said light separator existing on the optical path between said laser light source and said light receiver for monitoring light source. ”

To:

-- Na: a noise level after laser noise cancel/a noise level before laser noise cancel, LDp: a ratio of a level of the TE component to a level of the TM component of the laser beam emitted from said laser light source, RFpo: a ratio of a transmittance of a component corresponding to said TE component to a transmittance of a component corresponding to said TM component of said laser beam from said laser light source to said light receiver for reproducing signal, that is determined by said light separator existing on an optical path between said laser light source and said light receiver for reproducing signal, FPDpo: a ratio of a transmittance of a component corresponding to said TE component to a transmittance of a component corresponding to said TM component of said laser beam from said laser light source to said light receiver for monitoring light source, that is determined by said light separator existing on and optical path between said laser light source and said light receiver for monitoring light source. --.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN BUTCHER whose telephone number

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is (571)270-5575. The examiner can normally be reached on Monday – Friday from 6:30 AM to 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young, can be reached at (571) 272 - 7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/BMB/

April 10, 2009

/Wayne Young/

Supervisory Patent Examiner, Art Unit 2627